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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES

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CASE NO: 8:21-cr-00101-DKC

v.

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MADANI ILARA TEJAN

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Defendant

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VICTIM REPRESENTATIVE'S ADDITIONAL CITATIONS

COMES NOW, victim's representative Annette Gladney, the mother of the murdered victim, by Ms. Gladney's counsel, Victor Stone, Esq., Maryland Crime Victims' Resource Center, Inc., and in response to the defendant's final supplemental sentencing memorandum which makes unsupported assertions about a "wake", provides the following authorities:

1. Whether the "related services" of a funeral, i.e. a wake honoring a deceased victim may, under federal law, go beyond merely visiting the funeral home before the burial.

a. What is a "wake"?

"A wake, also known as a funeral reception, is an event where close friends and family of the deceased gather together to pay their respects to their loved one. * * * If you have been put in charge of organising a wake, here are some things you need to think about:

- **Guests** – you need to decide if you want the wake to be public (all people can attend) or private (invitation only).
- **Location** – there are lots of options when it comes to where you want to host the wake. The most common are a family home, church hall, social club or function room in a local restaurant/bar/hotel. There is also the option to choose somewhere more unique to reflect the personality of the deceased, perhaps a vineyard or bowling alley.
- **Food and drink** – depending on the budget, you may wish to hire a caterer or organise the food and drink yourself. Buffet-style food such as sandwiches, sausage rolls and crisps are very common at a wake."
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"What is a funeral wake?", <https://www.funeralpartners.co.usk/help-advise/after-a-funeral/what-is-a-funeral-wake/>, last viewed 2/22/2024.

b. Re: the allowable cost, under federal law, of reasonable funeral-related services.

"In *United States v. Iron Cloud*, [312 F.3d 379 (8th Cir. 2002)], the Eighth Circuit upheld a restitution order under this section for a "giveaway ceremony" held by the a Native American father of a girl who was killed. In a brief opinion, the court noted that this ceremony "has its roots in indigenous social and religious rituals" and that **its purpose is "to honor persons** in a traditional indigenous manner." According to the victim's father, the "giveaway ceremony would be a memorial for his daughter to show how much she was loved." The Eight Circuit concluded that the expenses for the giveaway ceremony, which were not challenged by the defendant, were properly awardable under the MVRA.

The court concludes that **the \$3140 used to pay a medicine man for traditional ceremonies associated with Mr. Johnson's death [in this case] was compensable** under the Mandatory Victim's Restitution Act. Like the father in *Iron Cloud*, Ms. Johnson credibly testified that she followed the traditional ways and customs. Although **defendant Bedonie countered that these expenses were not "necessary,"** she offered no basis for this conclusion other than the argument that "services provided by a Native American medicine man are nonessential expenses which are done by choice in compliance with [Ms. Johnson's] religious and/or cultural beliefs." **Because the healing process is so subjective and personal, this argument is not by itself enough to refute the court's factual conclusion that, for Ms. Johnson, the expenses were necessary and related to her son's funeral.** While the court recognizes that restitution under this provision may be limited by principles of reasonableness, this case does not test those limits of reasonableness. **Accordingly, Ms. Johnson is also entitled to restitution for the \$3,140** she paid for the medicine man's services."

United States v. Bedonie, 317 F. Supp. 2d 1285, 1328–29 (D. Utah 2004), rev'd and remanded *sub nom. United States v. Serawop*, 410 F.3d 656 (10th Cir. 2005). (Emphasis added; Footnotes omitted.)

Respectfully submitted,

/s/ Victor D. Stone

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Certificate of Service

I HEREBY CERTIFY that on this 22nd of February, a copy of the foregoing Victim Representative's Additional Citations was delivered by electronic cm/ecf to the parties.

/s/Victor Stone

Victor Stone, Esq.